

## UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO. FILING DATE		FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/889,520	12/10/2001	Neil David Hammond Raven	1581.081000/RWE	4276	
7590 10/08/2003			EXAMINER		
Sterne Kessler Goldstein & Fox			DAVIS, DEBORAH A		
Suite 600 1100 New York	Avenue NW	ART UNIT	PAPER NUMBER		
Washington, DC 20005-3934			1641		
			DATE MAILED: 10/08/2003		

Please find below and/or attached an Office communication concerning this application or proceeding.

-		Application N	No.	Applicant(s)					
•		09/889,520		RAVEN ET AL.					
	Office Action Summary	Examiner		Art Unit					
		Deborah A Da	avis	1641					
The MAILING DATE of this communication appears on the cover sheet with the correspondence address									
Period for Reply									
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).  - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).									
Status	- · · · · · · · · · · · · · · · · · · ·	4.00							
1)🛛									
2a)□	,								
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims									
4)⊠ Claim(s) <u>1-19</u> is/are pending in the application.									
,—	4a) Of the above claim(s) is/are withdrawn from consideration.								
5)□	5) Claim(s) is/are allowed.								
	6) Claim(s) is/are rejected.								
7)	Claim(s) is/are objected to.								
8) Claim(s) 1-19 are subject to restriction and/or election requirement.									
Applicat	ion Papers								
9) The specification is objected to by the Examiner.									
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.									
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).									
11)[_	The proposed drawing correction filed on			ved by the Examin	er.				
If approved, corrected drawings are required in reply to this Office action.									
12) The oath or declaration is objected to by the Examiner.									
Priority under 35 U.S.C. §§ 119 and 120									
13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).									
a) ☐ All b) ☐ Some * c) ☐ None of:									
	1. Certified copies of the priority documents have been received.								
	2. Certified copies of the priority documents have been received in Application No								
<ul> <li>3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</li> <li>* See the attached detailed Office action for a list of the certified copies not received.</li> </ul>									
14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).									
a) ☐ The translation of the foreign language provisional application has been received. 15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.									
Attachment(s)									
2) 🔲 Notic	ce of References Cited (PTO-892) ce of Draftsperson's Patent Drawing Review (PTO-948) mation Disclosure Statement(s) (PTO-1449) Paper No(s)	5)		(PTO-413) Paper No( Patent Application (PT					

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## **DETAILED ACTION**

## Election/Restrictions

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-6, 9-11, and 19 are drawn to an assay for an analyte wherein said analyte is associated with a thermostable reporter kinase.

Group II, claim(s) 7-8 are drawn to a kit comprising a thermostable adenylate kinase converting enzyme.

Group III, claim(s) 12-15 and 17-18 are drawn to a conjugate comprising an antibody conjugated to a thermostable enzyme.

2. The inventions listed as Groups 1-3 do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: Groups I-III involve different inventions that have unique special technical features in each group. Group I is drawn to an assay wherein the special technical feature is a thermostable reporter

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kinase. Group II is drawn to a kit comprising a thermostable adenylate kinase. Group III is drawn to a conjugate comprising an antibody conjugated to a thermostable enzyme. There are no special technical features tying the three groups together.

- 3. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).
- 4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Deborah A Davis whose telephone number is (703) 308-4427. The examiner can normally be reached on 8-5 Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Long Le can be reached on (703) 305-3399. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-

Deborah A. Davis

CM1, 7D16

September 30, 2003

LONG V. LE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600

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